

AMENDED IN ASSEMBLY APRIL 23, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1543

Introduced by Assembly Member Leno

February 23, 2007

An act to add Chapter 9 (commencing with Section 1967) to Division 2.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1543, as amended, Leno. Treasure Island Transportation Management.

Existing law authorizes the City and County of San Francisco to designate the Treasure Island Development Authority as a redevelopment agency under the Community Redevelopment Law for the purpose of converting and redeveloping certain property that formerly constituted the Naval Station Treasure Island.

This bill would enact the Treasure Island Transportation Management Act, and would authorize the Board of Supervisors of the City and County of San Francisco to designate a board or agency to act as the transportation management agency for Treasure Island, defined to also include Yerba Buena Island. The bill would authorize the transportation management agency, pursuant to the terms of a resolution adopted by the board of supervisors, to ~~impose on Treasure Island~~ *recommend* automobile congestion pricing fees, on-street and off-street parking fees, and a transit pass fee structure *for Treasure Island, but would require the board to act to impose or amend those fees.* The bill would specify the powers and duties of the agency on these and other related

matters, including the development and implementation of a transportation program and the collection and use of revenues generated from those fees.

Existing law provides that a local agency may not impose a new tax, permit fee, or other charge for the privilege of using its streets and roads on or after June 1, 1989, except a permit fee for extra legal loads.

This bill would provide that this prohibition does not apply to the congestion pricing fee authorized by this bill.

The bill would make findings and declarations of the Legislature that the adoption and implementation of the transportation program for Treasure Island is a matter of statewide concern because of its benefit to a public trust, and that therefore any local ordinance, charter provision, or local law does not apply to the transportation program.

The bill would make findings and declarations of the Legislature that because of the unique circumstances applicable to Treasure Island, a general statute cannot be made applicable and that therefore enactment of a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9 (commencing with Section 1967) is
2 added to Division 2.5 of the Streets and Highways Code, to read:

3
4 CHAPTER 9. TREASURE ISLAND TRANSPORTATION
5 MANAGEMENT
6

7 1967. This act shall be known and may be cited as the Treasure
8 Island Transportation Management Act.

9 1967.1. The Legislature finds and declares that the purpose of
10 this act is to accomplish all of the following:

11 (a) To facilitate the implementation of an innovative, sustainable
12 transportation plan for the development of Treasure Island that
13 will encourage public transit, bicycle, pedestrian, and waterborne
14 modes of transportation, and minimize the impact of Treasure
15 Island development on the traffic on the San Francisco-Oakland
16 Bay Bridge.

17 (b) To develop a comprehensive set of transportation demand
18 management programs to encourage and facilitate transit use and

1 to minimize the impacts of private automobile use on Treasure
2 Island.

3 (c) To create a flexible institutional structure that can set parking
4 and congestion pricing rates, monitor the performance of the
5 system, collect revenues, and direct generated revenues to public
6 transit systems serving Treasure Island.

7 (d) To promote multimodal access to, from, and within Treasure
8 Island by a wide range of local, regional, and statewide visitors
9 by providing a reliable source of funding for transportation services
10 and programs serving Treasure Island.

11 1967.2. For purposes of this chapter, the following terms have
12 the following meanings:

13 (a) “Authority” means the Treasure Island Development
14 Authority, a nonprofit public benefit corporation established by
15 the board of supervisors of the city that is vested with both
16 redevelopment authority and the power to administer the public
17 trust for commerce, navigation, and fisheries with respect to
18 Treasure Island.

19 (b) “City” means the City and County of San Francisco.

20 (c) “Treasure Island” means Treasure Island and Yerba Buena
21 Island.

22 (d) “Transportation management agency” means the Treasure
23 Island Transportation Management Agency designated by the
24 board of supervisors of the city pursuant to Section 1967.3.

25 (e) “Transportation program” means a comprehensive
26 transportation program for Treasure Island designed to achieve
27 the goals set forth in Section 1967.1.

28 1967.3. The authority is formulating a transportation program
29 in connection with the authority’s redevelopment activities on
30 Treasure Island. The transportation program will include the
31 authority’s recommendations for the governance structure of the
32 transportation management agency. Based on the authority’s
33 recommendations, the board of supervisors of the city is hereby
34 authorized to designate a board or agency that shall act as the
35 transportation management agency. The board of supervisors of
36 the city may designate itself as the transportation management
37 agency. Notwithstanding Chapter 898 of the Statutes of 1997, any
38 subsequent amendments to that chapter, or any other provision of
39 law, *but subject to Section 1967.4*, the transportation management
40 agency shall have the complete power to do any or all of the

1 following pursuant to the terms of a resolution adopted by the
2 board of supervisors:

3 (a) Adopt and administer the transportation program and
4 implementing rules and regulations.

5 (b) *Recommend to the board of supervisors (1) an initial fee*
6 *structure for the imposition of automobile congestion pricing fees,*
7 *on-street and off-street parking fees, and transit pass fees*
8 *applicable to for-sale housing and rental housing on Treasure*
9 *Island and on other users of Treasure Island in the amount deemed*
10 *necessary and proper by the transportation management agency*
11 *to implement the transportation program, and (2) amendments to*
12 *the fee structure as the transportation management agency deems*
13 *necessary and appropriate from time to time to implement the*
14 *transportation program.*

15 ~~(b) Establish, impose, and administer~~

16 (c) *Administer* automobile congestion pricing fees on Treasure
17 Island ~~and set those fees in the manner deemed necessary and~~
18 ~~proper by the transportation management agency to implement the~~
19 ~~transportation program.~~

20 ~~(c) Establish, impose, and administer~~

21 (d) *Administer* on-street and off-street parking fees on Treasure
22 Island ~~and set those fees in the manner deemed necessary and~~
23 ~~proper by the transportation management agency to implement the~~
24 ~~transportation program.~~

25 ~~(d) Establish, impose, and administer~~

26 (e) *Administer* a transit pass fee structure applicable to for-sale
27 housing or rental housing on Treasure Island and on other users
28 of Treasure Island ~~and to set those fees in the manner deemed~~
29 ~~necessary and proper by the transportation management agency~~
30 ~~to implement the transportation program.~~

31 ~~(e)~~

32 (f) Undertake studies, performance evaluations, and other
33 mechanisms as it deems necessary and proper ~~to set~~ *adopt* and
34 amend the transportation program and ~~to determine recommended~~
35 congestion pricing, parking, and transit pass fees from time to
36 time.

37 ~~(f)~~

38 (g) Collect all revenues generated from the implementation of
39 the transportation program, including congestion pricing, parking,
40 and transit pass fees *adopted pursuant to Section 1967.4*, and to

1 use all those revenues for costs of operation (including collection
2 and enforcement), maintenance, construction, and administration
3 under the transportation program.

4 ~~(g)~~

5 (h) Enter into contracts, cooperative agreements, and direct
6 funding agreements with governmental agencies and private parties
7 to the extent deemed necessary and proper by the transportation
8 management agency to implement the transportation program,
9 including for any of the following:

10 (1) The construction and maintenance of transportation facilities
11 serving Treasure Island that are directly related to the transportation
12 program, including design, preconstruction, and other related costs.

13 (2) Transit capital and operational costs for services that directly
14 serve Treasure Island.

15 ~~(3) Implementation of traffic~~ Implementation of traffic impact
16 mitigation measures as adopted from time to time to improve transit
17 and other nonautomobile means of access to Treasure Island.

18 ~~(h)~~

19 (i) Take all other steps as the transportation management agency
20 deems necessary and proper to implement the transportation
21 program.

22 1967.4. *The board of supervisors shall have the sole and*
23 *exclusive authority to adopt and amend the automobile congestion*
24 *pricing fees, on-street and off-street parking fees, and transit pass*
25 *fees after due consideration of the recommendations of the*
26 *transportation management agency.*

27 ~~1967.4.~~

28 1967.5. The transportation program shall ensure that public
29 access to waterfront, recreational, and open-space areas on Treasure
30 Island is sufficient to support public trust activities by ensuring all
31 of the following:

32 (a) Public access to areas subject to the public trust is facilitated
33 in part by program elements, such as (1) an on-island shuttle, (2)
34 safe bicycle parking, and (3) limitations on long-term parking on
35 streets that are subject to the public trust following a land exchange
36 authorized by Chapter 543 of the Statutes of 2004, as amended
37 (hereafter public trust streets), which will discourage residential
38 use of public trust streets for parking but allow appropriate time
39 for recreational and visitor activities.

(b) Program elements shall not interfere with the provisions of public pedestrian, bicycle, or vehicular access to and along the waterfront and to other public trust lands, or the provision of parking to support those uses.

(c) There shall be no preference for residents in parking rates, parking passes, or the duration of parking on public trust streets or on other public trust lands.

(d) Parking revenues from public trust streets or other public lands shall be used for transportation facilities and services benefiting the public trust in accordance with the transportation program, with any surplus revenues to be used for other trust-related purposes.

1967.6. Meetings of the transportation management agency shall be held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

~~1967.5.~~

1967.7. Section 9400.8 of the Vehicle Code shall not apply to any fee imposed by this chapter.

~~1967.6.~~

1967.8. The city may bring an action pursuant to Sections 860 to 870, inclusive, of the Code of Civil Procedure to confirm the validity of any resolution adopted by the board of supervisors of the city or the transportation management agency.

SEC. 2. The Legislature finds and declares that the adoption and implementation of the transportation program under this act, including the use of the congestion pricing, parking, and transit pass fees in accordance with this act, will provide substantial benefit to the public trust for commerce, navigation, and fisheries by promoting access to Treasure Island by a wide range of local, regional, and statewide visitors, and is a matter of statewide concern. Therefore, no ordinance, charter provision, or other provision of local law inconsistent with this act applies to the transportation program under this act.

SEC. 3. The Legislature finds and declares that because of the unique circumstances applicable to Treasure Island that necessitate an innovative, sustainable transportation plan, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

1		_____
2	CORRECTIONS:	
3	Text—Pages 1, 2, 4, and 5.	
4		_____

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